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Cc: []
From: CN=Jayne Carlin/OU=R10/O=USEPA/C=US
Sent: Tue 10/16/2012 4:33:12 PM
Subject: FYI: OR CZARA SA: OR DEQ Discussion on Efforts related to WQ and Pesticide Use

----- Forwarded by Jayne Carlin/R10/USEPA/US on 10/16/2012 09:32 AM -----

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Date: 10/11/2012 03:16 PM
Subject: OR DEQ discussion on efforts related to WQ and pesticide use

Please do not distribute... this may be useful down the road with respect to rationale for an OR CNPCP decision regarding pesticides.

Water Quality Standards and Current Use Pesticides

Oregon's water quality standards include numeric and narrative water quality criteria to protect aquatic life and other beneficial uses of the states waters. The numeric water quality criteria for toxic substances, such as pesticides, are based upon EPA's analysis of scientific information and subsequent recommended values. Oregon relies on the EPA to develop recommended toxics criteria due to the resources required to develop and evaluate the necessary scientific information. One reason EPA has not developed criteria for more pesticides is that the required data is not available. As a result, there are many current use pesticides for which Oregon has not adopted numeric criteria.

Oregon has a narrative criterion for toxic substances that can be used to regulate discharges of pesticides and other toxic chemicals. Currently, DEQ implements the narrative toxics standard by: 1) requiring whole effluent toxicity (WET) testing for major dischargers, 2) setting numeric permit limits for discharges that contribute to or cause water quality criteria to be exceeded, 3) including requirements in discharge permits for pesticide application in or near waters of the state, and 4) not permitting pesticide applications in or near water quality limited waters.

How Pesticide Use is Regulated in Oregon

The Federal Insecticide Fungicide and Rodenticide Act is the primary federal statute that regulates pesticides, as described above. EPA implements FIFRA nationally and the Oregon Department of Agriculture (ODA) implements FIFRA and Oregon Pesticide Control Act requirements in the State of Oregon. ODA ensures that pesticide products are properly registered in the state and investigates possible violations of the product labels, including those relating to environmental protection. ODA also requires state agencies responsible for pest control to use integrated pest management and ODA recently adopted regulations on integrated pest management in schools.

In addition, the Oregon Department of Forestry enforces the State Forest Practices Act, which includes some pesticide management requirements. The Oregon Health Authority implements the Safe Drinking Water Act for public water systems, which includes meeting numeric drinking water standards for certain pesticides. The Oregon Department of Fish and Wildlife reviews and approves pesticide use by vector (i.e. mosquito) control authorities in order to protect sensitive habitat areas and species.

Oregon DEQ implements federal Clean Water Act and state statutes and rules that regulate pesticide discharges to water. Most recently, DEQ issued a general water quality permit (NPDES 2300A) that regulates the discharge of pesticide residue from a pesticide application in, over or within three feet of water. The permit requirements apply to certain types of pesticide applications that meet the criteria outlined in the permit. See the section in Chapter 4 regarding NPDES permits for additional information.

Oregon's Current Efforts to Reduce the Impact of Pesticides

DEQ has dedicated a full time water quality staff person to focus on toxics reduction work, including efforts specifically targeting pesticides. This person is the lead staff for developing DEQ's Toxics Reduction Strategy and participates in interagency planning and programs related to toxics reduction. DEQ, the Oregon Departments of Agriculture and Forestry and the Oregon Health Authority formed a team in 2007 to address pesticide water quality issues. One of this team's primary tasks was to develop and implement an inter-agency Water Quality Pesticide Management Plan to guide statewide and watershed-level actions intended to protect surface and groundwater from potential impacts of current use pesticides. As part of its cooperative funding agreement with the EPA Region 10 Office of Pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act, ODA obtained EPA Region 10 approved this plan in 2011.

The WQ Pesticide Management Plan emphasizes collaboration among pesticide applicators, government agencies and others to clarify proper pesticide use and to help reduce pesticides in surface and groundwater. It also calls on DEQ and others to use their authorities (under Clean Water Act, Safe Drinking Water Act, Oregon Pesticide Control Act, etc.) when voluntary efforts to reduce pesticides aren't sufficient to achieve water quality protection goals. As referenced above, these authorities are used to enforce existing statutory and rule requirements at the individual pesticide user level.

At the broader watershed level, the objectives of the WQ Pesticide Management Plan are primarily achieved through Pesticide Stewardship Partnerships in seven Oregon watersheds. These seven watersheds were chosen because of the presence of strong local partner interest as well as land uses, pesticide use patterns and water quality impairments. The Pesticide Stewardship Partnership approach uses water quality monitoring data to focus the collaborative work of multiple local resource agencies and organizations to improve pesticide use and pesticide (and pest) management practices, and to measure reductions in stream concentrations and detections of pesticides over time. The Pesticide Stewardship Partnerships approach has been effective in achieving significant water quality improvements. NOAA-Fisheries, in an April 6, 2012 letter, recognized the Pesticide Stewardship Partnership efforts in the Walla Walla Basin by DEQ, ODA, OSU Extension, grower groups and the watershed council for "significant reductions in the use of pesticides and other toxins near steelhead and salmon habitat."

DEQ and ODA are actively working to enhance and expand the PSP Pesticide Stewardship Partnerships program, to include more watersheds and to build on the water quality improvements achieved thus far. The expansion of the PSP program is identified as a high priority for short-term action in DEQ's Toxics Reduction Strategy. DEQ has proposed to increase funding for the PSP in its 2013-2015 budget request to the Governor's Office. This funding would support PSP enhanced work in watersheds with existing projects and allow expansion to other Oregon watersheds.

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